

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JESSE NARCISSE,

Plaintiff,

vs.

JOHN REYNOLDS, MELANIE
WHITTAMORE-MANTZIOS, and
SPENCE PROPEL,

Defendants.

8:19CV130

MEMORANDUM AND ORDER

This matter is before the court on its own motion. On January 23, 2020, the court entered an order directing this non-prisoner¹ case to proceed to service of process and as of July 20, 2020, all Defendants have been served or waived service and filed answers. Accordingly,

IT IS ORDERED: Pursuant to General Order No. 2020-01 ¶ 6, because this non-prisoner case has proceeded to service of process, this case is removed from the pro se docket. The Clerk of Court shall randomly assign new judges to this case and request a reassignment order from the Chief Judge.

¹ Plaintiff is “civilly committed” to the Norfolk Regional Center. (Filing 1 at CM/ECF pp. 8, 15–17.) Thus, Plaintiff is not a “prisoner” within the meaning of the PLRA. *See Reed v. Clarke*, No. 4:04CV3168, 2005 WL 1075092, at *1 n.1 (D. Neb. May 5, 2005) (“The plaintiff is presently in the Lincoln Regional Center pursuant to a mental health commitment. The Prison Litigation Reform Act (‘PLRA’) does not apply to persons in custody pursuant to the Mental Health Commitment Act, as the definition of ‘prisoner’ in the PLRA does not include a person involuntarily committed for reasons of mental health.”) (citing *Kolocotronis v. Morgan*, 247 F.3d 726, 728 (8th Cir.2001)).

Dated this 23rd day of July, 2020.

BY THE COURT:

A handwritten signature in blue ink that reads "Richard G. Kopf". The signature is written in a cursive style with a large, stylized "R" and "K".

Richard G. Kopf
Senior United States District Judge